

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3300 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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J J PARMAR

Versus

STATE OF GUJARAT

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Appearance:

MR MR SHAH for Petitioners

None present for Respondent No. 1, 2, 3, 4, 5

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/03/98

ORAL JUDGEMENT

Heard the learned counsel for the petitioners and perused the special civil application.

2. The petitioners who were given fixed term temporary appointments on their own applications by the respondent i.e. the Irrigation Department of the Government of Gujarat, filed this special civil application and prayer has been made for direction to the

respondents to appoint the petitioners as Khalasi/Clerk on permanent basis and also to regularise their services.

3. The learned counsel for the petitioners admit that none of the petitioners is in service. So the petitioners are not in service since 1986. The fixed term appointments have been given to the petitioners, as stated earlier, on their own applications. It is a fact that on all the times the petitioners were engaged by the respondents on adhoc and temporary basis for fixed term and no selection had been made. So the appointments of the petitioners on temporary and adhoc basis for fixed term were contrary to the provisions of Articles 14 and 16 of the Constitution. Apart from this, the fixed term appointment comes to an end by efflux of time. That appointments does not continue and also does not give any right to the petitioners to hold that posts or further casts any obligation on the respondents to make them permanent or to regularise their services. These are the temporary fixed term appointments which does not confer any right upon the petitioners and their services stand terminated on the expiry of the period for which the temporary appointments have been made. Fixed term temporary and adhoc appointments of the petitioners came to an end by efflux of time and for which no order of termination or any opportunity of hearing is required to be given. The petitioners have not acquired any right to hold the posts much less any claim for permanency in the service or for regularisation of their services on the basis of the nature of their appointments and as such the prayer made in this special civil application cannot be granted. This matter is squarely covered otherwise by the Division Bench decision of this Court in the case of Bhanmati Tapubhai Muliya vs. State of Gujarat reported in 1995 (2) GLH 228.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated.

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zgs/-